

S T A T E O F N E W Y O R K

621--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to including individuals with a mental defect as a victim under sexual abuse in the first degree

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 130.65 of the penal law, as
2 amended by chapter 26 of the laws of 2011, is amended and a new subdivi-
3 sion 5 is added to read as follows:
4 4. When the other person is less than thirteen years old and the actor
5 is twenty-one years old or older[.]; OR
6 5. WHEN THE OTHER PERSON HAS A MENTAL DISEASE OR DEFECT.
7 S 2. This act shall take effect on the ninetieth day after it shall
8 have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD02084-02-2